

Serial No. 10/089,030
60130-1371; 00MRA0030

While it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Bond, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). As described at page 10, lines 12-15 of the original application, and as shown in Figures 3 and 5, it is possible to align the exterior surface of window pane 22 with an exterior surface of the profile bar 10A so that between the window pane and the window frame, steps can be avoided which are disruptive visually and/or with respect to flow.

The examiner argues that the edge of the window pane and the drive element are disposed substantially in the same plane, which is perpendicular to the front, and rear face of the pane. When the examiner refers to "the drive element," applicant is not sure whether the examiner is referring to the drive cable 13 or the coupling member 41. Clearly the drive cable 13 and window edge do not lie in the same plane. Thus, applicant assumes that the examiner is referring to the coupling member 41.

The edge of the window pane 9 in Maekawa defines a first plane or "edge" plane that is perpendicular to the front and rear faces of the window. The substantial portion of the coupling member 41 would appear to be defined by a plane that is perpendicular to this edge plane. Thus, the coupling member and the edge of the window are not "disposed substantially in the single plane" because only a very small portion of the coupling member actually contacts the window pane at this edge plane.

Regardless, the examiner's interpretation of the edge of the window in Maekawa as corresponding to applicant's claimed "exterior surface of the window pane" as set forth in claim 12 is not proper. The edge of window pane 9 is clearly not an exterior surface as defined in the claims. Further, it is clear that this edge is not laterally aligned with the exterior surface of the profile bar 2. One of ordinary skill in the art simply would not consider the edge of window pane 9 in Maekawa as corresponding to the claimed exterior surface of the window pane which is

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laterally aligned with the exterior surface of the profile bar, especially as Figure 8 clearly shows that there is no lateral alignment between exterior surfaces the profile bar and the window pane. Thus, Maekawa cannot anticipate claim 12. For similar reasons Mackawa does not anticipate claim 24.

Claim 23 recites that the guide element receives a drive element that is driven by the window regulator arrangement wherein an edge of the window pane is received in the at least one edge guide element such that the drive element and the edge of the window pane are disposed substantially in the single plane. Drive element 13 is clearly spaced apart from the edge of the window pane 9 (see Figure 8), i.e. drive element 13 and the edge of the window pane are non-coplanar.

Further, claim 23 recites that the "at least one guide element and the at least one edge guide element form a continuous recess and are disposed substantially in a single plane in the frame structure. . . ." This is clearly not the case in Maekawa. Maekawa discloses a drive cable 13 that is driven by a motor, and which is received within a guide groove 15 formed in the profile bar 2. The edge of the window pane 9 is guided by edge guide portion 11a of the guide groove 11. The edge guide portion 11a is orientated perpendicularly to the guide groove 15, as shown in Figure 8. Thus, the edge guide element for the window pane and the guide element for the drive element are not disposed in a single plane in Maekawa and Maekawa cannot anticipate claim 23. For similar reasons Mackawa also does not anticipate claim 30.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa in view of Kobrehehl. Claims 20 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa in view of Heim. For the reasons set forth above, Maekawa does not disclose, suggest, or teach the features set forth in the independent claims. Kobrehehl and Heim do not make up for the deficiencies of Maekawa.